

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

**PLAINTIFF HAMON'S OPPOSITION TO
DEFENDANT MITCHELL INTERNATIONAL, INC.'S
MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

COMES NOW the Plaintiff, Tim Hamon (“Hamon” or “Plaintiff”), and respectfully files this Opposition to Mitchell International, Inc.’s (“Mitchell”) Motion to Dismiss the Third Amended Complaint.

In the Third Amended Complaint, Hamon substituted J. D. Powers and Associates for McGraw Hill Financial, Inc. In all other respects, the Third Amended Complaint is the same as the Second Amended Complaint.

Mitchell previously filed a Motion to Dismiss the Second Amended Complaint (Docket 28). Hamon filed an Opposition to the Motion to Dismiss (Docket 36). Mitchell filed its Reply (Docket 38).

The pending Mitchell Motion regarding the Third Amended Complaint is substantively identical to Mitchell’s previously filed Motion to Dismiss the Second Amended Complaint. As stated, this motion has been fully briefed as noted above. Accordingly, Plaintiff Hamon respectfully restates and incorporates herein his Opposition to Mitchell’s Second Motion to

Dismiss as his opposition to the substantively identical pending motion of Mitchell to dismiss the Third Party Complaint.

Respectfully submitted,

/s/ Jonathan H. Waller

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2014, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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